REMARKS

The Examiner is thanked for the interview conducted December 11, 2003, wherein the above-noted amendments to claims 19 and 22 were discussed. For the reasons outlined below, the Examiner agreed that, with these amendments, claims 19 and 22 are distinguished over the prior art that had been relied upon in the rejection, namely the prior art patents to Matsuo (U.S. Patent 5,974,513), Robinson (U.S. Patent 5,388,248) and Jigour (U.S. Patent 5,815,436). However, the Examiner pointed out that, if the present amendment had been submitted in response to the Final Office Action of September 18, 2003, it would not be entered because the amendment raises new issues.

Since the most relevant of these patents to claims 19 and 22 is Matsuo, the following discussion is directed primarily to Matsuo. At the outset, it should be emphasized that there is a fundamental difference between the invention defined by claims 19 and 22 and the description of Matsuo, although both admittedly are concerned with writing and reading to a memory card. In Matsuo, data is not written into or read from the memory of the memory card unless and until a predefined password is supplied from an external source to the memory card. But, even if that password is not sent, data nevertheless is sent from the external source to the memory card. However, in Applicants' claimed invention, data is not even permitted to be supplied to the memory card if a write-enable switch is set to its "inhibit" state.

Claims 19 and 22 always referred to "a switch settable to a state which inhibits writing data into said flash memory." This switch is described in Applicants' specification as the manual switch whose state is sent to the external source when the external source sends to the memory card a "read status instruction." This switch is shown in, for example, drawing Figs. 7 and 8 as switch 23. In rejecting claims 19 and 22, the Examiner referred to element 311, shown in Fig. 2

of Matsuo, as a "switch" comparable to the "switch" of Applicants' claims 19 and 22. In an effort to clarify Applicants' claimed switch, this switch now is referred to as a "switch manually settable by a user." Element 311 of Matsuo, which is a logic gate, clearly is not a switch; nor is it "a switch manually settable by a user."

Applicants' claims 19 and 22 state that the memory card includes control means that sends to the external apparatus "the state of said switch." However, gate 311 of Matsuo simply senses when the address bits A0, A1, A2, ... AX supplied from the external source are equal to a preset address '00(H)'. See column 3, lines 53-67 of Matsuo. Hence, Matsuo's gate 311 functions as a comparator and not a switch.

In addition, the control means of Applicants' claims 19 and 22 perform particular functions that are not performed by any device in Matsuo. For example, claims 19 and 22 recite that the state of the claimed switch is sent to external apparatus. In Matsuo, gate 311 functions as a comparator and, thus, does not exhibit a state. Even if the interpretation of the password address comparison output of gate 311 is stretched to be construed as a "state," this output nevertheless is not sent to external apparatus.

As recited in claims 19 and 22, data is sent *to the memory card* only if the switch is not in its inhibit state. That is, if the switch is in its inhibit state, data is not even sent to the memory card, i.e., the memory card does not even receive data. However, in Matsuo, data is sent to the memory card even if the correct password is not detected. Although data may not be written to the memory if Matsuo's password is not detected, data *still is sent* to the memory card.

Applicants' claims 19 and 22 state that "a read status instruction [is] transmitted" to the memory card from the external apparatus. Matsuo makes no mention of anything comparable to a "read status instruction."

In Applicants' claims, the state of the switch is sent to the external apparatus in response to receipt of the read status instruction. But, Matsuo does not receive a read status instruction, does not have a switch whose state is sensed, and does not send the state of gate 311 (which the Examiner has interpreted as a switch) to external apparatus.

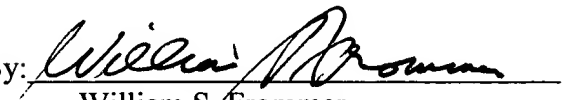
In addition to the foregoing differences, it is requested that the Examiner reconsider his assertion, in the sentence bridging pages 5 and 6 of the September 18, 2003 Final Office Action, "[i]t is inherent that [Matsuo's] device is equipped with a processing unit for controlling various components and processes performed within each component part." Matsuo is not "inherently" equipped with a processing unit because Matsuo specifically states, at column 1, lines 46-50, "it is a first object ... to provide a function of data protection, ... in what is called a memory card **having no microcomputer**" (emphasis added).

Therefore, in light of the significant differences between Applicants' claimed invention and the teachings of Matsuo, even if Matsuo is combined with Robinson and Jigour, the rejection of claims 19-24 should be withdrawn.

Statements appearing above in respect to the disclosures in the cited references represent the present opinions of the undersigned attorney and, in the event the Examiner disagrees with any of such opinions, it is respectfully requested that the Examiner specifically indicate those portions of the references providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

Respectfully submitted,
FROMMER LAWRENCE & HAUG LLP

By: 
William S. Frommer
Reg. No. 25,506
(212) 588-0800